

## Public Laws and Resolves Affecting Motor Vehicles

### 128th Legislature, First Regular Session

**Effective Date is November 1, 2017 unless otherwise indicated**

The full text of Public Laws and Resolves passed during the First Regular Session of the 128 Legislature can be found online at: <http://legislature.maine.gov/ros/LOM/LOMDirectory.htm>

**PL 2017, Chapter 1 (LD 88), "An Act to Delay the Implementation of Certain Portions of the Marijuana Legalization Act" (Emergency) Effective Jan. 27, 2017.**

This bill makes various amendments to the Marijuana Legalization Act.

**PL 2017, Chapter 2 (LD 302), "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017" (Emergency) Effective March 15, 2017.**

This bill makes General Fund supplemental appropriations.

**PL 2017, Chapter 5 (LD 83), "An Act Regarding Changing the Designation of a Parent on the Birth Certificate of an Adult"**

This bill repeals the current law governing amendment of the birth certificate of an adult and creates a process for amending an adult's birth certificate when genetic testing identifies a parent who was not known or listed at the time of the adult's birth and the genetic parent to be named on the amended birth certificate either consents in writing to the amendment or is deceased. This provides that an amendment of a birth certificate without the consent of the genetic parent to be named on the amended birth certificate does not affect the rights of inheritance or descent.

**PL 2017, Chapter 8 (LD 171), "An Act to Add the Air Medal as an Option for a Special Commemorative Decal on Special Veterans Registration Plates"**

This bill allows the Secretary of State to issue special commemorative decals for use with special veterans' registration plates to any person who served in the United States Armed Forces, was honorably discharged and was awarded the Air Medal.

**PL 2017, Chapter 11 (LD 308), "An Act to Prohibit Charging Maine Seniors Higher Automobile Insurance Premiums Based Solely on Their Age"**

This bill prohibits an insurer from taking certain actions against an applicant or insured under a motor vehicle insurance policy based solely upon the age of the applicant or insured.

**PL 2017, Chapter 20 (LD 12), "An Act to Incorporate Protections for Living Donors into Maine Law"**

This bill prohibits a denial of coverage or an increase in insurance premiums for life insurance, disability insurance or long-term care insurance for living organ donors.

**PL 2017, Chapter 21 (LD 172), “An Act To Improve Officer Safety at Roadside Incidents”**

This bill allows police vehicles to use red emergency lights in addition to white and blue.

**PL 2017, Chapter 23 (LD 97), “An Act to Establish Speed Limits at Loring Commerce Centre and Brunswick Landing” (Emergency) Effective April 20, 2017.**

This bill provides the Department of Transportation and the Maine State Police to establish speed limits within the limits of the property owned by or under the control of the Midcoast Regional Redevelopment Authority in Brunswick, and the Loring Development Authority of Maine in Limestone. The speed limits must be posted by the Midcoast Regional Redevelopment Authority and the Loring Development Authority of Maine in accordance with written directions or policies of the Department of Transportation.

**PL 2017, Chapter 25 (LD 208), “An Act to Allow Vehicles Hauling Animal Bedding to Travel over County or Town Ways without a Permit.”**

This bill provides a vehicle delivering organic animal bedding material to travel over a county or town way without a specific municipal or county permit as long as that vehicle is operating in accordance with restrictions imposed by the applicable county or municipality.

**PL 2017, Chapter 26 (LD 28), “An Act to Allow Flashing Headlights on a School Bus.”**

This bill allows a school bus to be equipped with a device that provides for alternate flashing of the school bus's headlights.

**PL 2017, Chapter 27 (LD 306), “An Act to Require State Compliance with Federal Real ID Guidelines.” Effective July 1, 2019.**

This bill directs the Secretary of State to comply with federal Real ID Act of 2005 requirements effective July 1, 2019. This provides an opt-in option and increases driver license and non-driver identification card fees to pay for the implementation.

**PL 2017, Chapter 43 (LD 444), “An Act to Increase the Registered Gross Weight Allowed for Vehicles with Disabled Veterans or Special Veterans Registration Plates.”**

This bill increases the maximum registered weight for special veterans plates (VT) and disabled veterans plates (DS, VX) from 10,000 pounds to 26,000 pounds.

**PL 2017, Chapter 51 (LD 118), “An Act to Require All Moped Riders under 18 Years of Age and Newly Licensed Moped Operators to Wear a Helmet”**

This bill requires anyone under 18 years of age and anyone operating on a learner’s permit or within one year of completing a driving test to wear a helmet when operating a moped.

**PL 2017, Chapter 67 (LD 827), “An Act to Repeal Laws Governing Truck Camper Registration”**

This bill repeals the requirement to register a slide-in truck camper and to display a registration decal. This bill does not excuse the owner from any sales or excise taxes that may be due.

**PL 2017, Chapter 79 (LD 877), “An Act to Allow Learner’s Permits to be Issued by Driver Education Schools”**

This bill allows driver education schools to issue learner’s permits, collect fees and forward to BMV.

**PL 2017, Chapter 91 (LD 1034), “An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017” (Emergency) Effective Date May 26, 2017.**

This bill provides \$250,000 for the Automated Overlimit Permit Routing and Restriction Management initiative and to carry over an additional \$500,000 for the project.

**PL 2017, Chapter 99 (LD 670), “An Act to Allow for Consistent Application of Credit for Driver’s License Suspensions Imposed by the Court”**

This bill allows the court to provide the same stay exception (7 days) for OUI drug suspensions that is currently in effect for OUI alcohol suspensions.

**PL 2017, Chapter 107 (LD 671), “An Act to Allow for Accurate Credit for a License Suspension for Operating under the Influence”**

This bill provides the period of suspension time served for an administrative OUI suspension be deducted from the period of suspension to be served from a driving to endanger (DTE) conviction provided it was from the same occurrence. This will apply to DTE convictions occurring after October 31, 2017.

**PL 2017, Chapter 120 (LD 1022), “An Act Regarding the Contents of a Commercial Vehicle Towed without the Consent of the Vehicle’s Owner”**

This bill requires a person who tows a commercial motor vehicle without consent to provide an itemized invoice before demanding payment for any charge relating to a commercial vehicle nonconsensual tow. This bill defines "commercial motor vehicle", "commercial motor vehicle nonconsensual tow" and "perishable cargo."

**PL 2017, Chapter 126 (LD 1072), “An Act to Amend the Laws Regarding Dealers in Secondhand Precious Metals”**

This bill amends the laws regarding dealers in secondhand precious metals by including palladium and platinum as precious metals subject to regulation; allowing a dealer to take one digital photograph of up to five similar items in a transaction, instead of one digital photograph for each item; eliminating certain types of information that must be recorded by a dealer about each item; and requiring a dealer either to register as a precious metals dealer with the municipality in which the dealer will conduct business or obtain a permit issued by the municipality, if required.

**PL 2017, Chapter 132 (LD 785), “An Act to Improve Safety and Efficiency near School Grounds”**

This bill clarifies failure to obey a school crossing guard is a traffic infraction and provides school crossing guards are under the control of a local law enforcement agency only and not a school administrative unit. It specifies a school crossing guard must complete training approved by the Department of Labor, Bureau of Labor Standards in order to control traffic on a public way. Also provides a school crossing guard may direct traffic only in an intersection with a marked crosswalk on a public way and provides that a school crossing guard may not contradict or override a lighted traffic control device or pedestrian control device.

**PL 2017, Chapter 158 (LD 1432), “An Act to Implement the Recommendations of the Right to Know Advisory Committee Concerning Advance Payment of Costs for Public Records”**

This bill provides an agency the ability to require payment of all costs before a public record is provided to the requestor.

**PL 2017, Chapter 165 (LD 1524), “An Act to Amend the Maine Motor Vehicle Laws”**

This is the Bureau of Public Safety omnibus bill. It makes several changes to Title 29A.

This bill clarifies a vehicle registered as a “wrecker” may only be used to tow or carry wrecked or disabled vehicles, or to free stuck vehicles. A wrecker may carry no more than two vehicles on its body.

This bill changes the penalty for failure to display a fuel decal or for operating after suspension, and for failure to file fuel tax returns from Class E crimes to traffic infractions.

This bill clarifies the federal regulations incorporated by reference into rules of the Department of Public Safety.

This bill increases the penalty for operating or permitting the operation of a motor vehicle without proof of financial responsibility from a Class E to a Class D crime.

This bill clarifies the exemption from inspection requirements for antique autos applies only if the vehicle is registered as an antique auto.

This bill requires a truck tractor owner or operator to display on both sides of the truck tractor the name of the owner or lessee in letters that meet the standards set forth in the Code of Federal Regulations.

This bill corrects an error in the statute pertaining to splash guards to exempt a truck tractor from having splash guards when it is hauling a trailer or semitrailer.

This bill reallocates from the Maine Revised Statutes, Title 22 to Title 29-A a new section defining smoking in a vehicle and subsequent penalties if there is a minor under 16 years of age in the motor vehicle.

This bill clarifies the statute governing vehicle lengths so that it explicitly states the statute applies to recreational vehicles, and conforms certain vehicle length limits to federal law.

**PL 2017, Chapter 192 (LD 1277), “An Act to Require the Secretary of State to Inform Commercial Drivers about Human Trafficking Prevention”**

This bill requires the Secretary of State to provide information on how to recognize and report human trafficking when issuing or renewing a commercial driver’s license. The “Truckers Against Trafficking” website is: <http://www.truckersagainstrafficking.org/>

**PL 2017, Chapter 217 (LD 1463), “An Act to Amend the Laws Relating to Motor Vehicle Dealers”**

This bill makes it an unfair and deceptive practice for a motor vehicle manufacturer to use unreasonable performance standards in assessing motor vehicle dealer compliance with franchise agreements, to require a dealer to refrain from selling a new or used motor vehicle when there is no remedy to a recall without the manufacturer's providing compensation or to prohibit a dealer from providing to a consumer information of a defective condition in a motor vehicle when the vehicle is being repaired under a manufacturer's warranty. It clarifies the standard of review in succession planning and in the analysis by a manufacturer of a dealer's sales and incentive performance.

**PL 2017, Chapter 229 (LD 1577), “An Act to Amend the Motor Vehicle Laws”**

This is the Bureau of Motor Vehicles’ omnibus bill and makes the following changes to the motor vehicle laws:

Allows a municipal official or other persons designated by the municipality to receive and process applications for noncommercial driver's license renewals and duplicates and non-driver identification card renewals and duplicates through the municipality;

Allows the Secretary of State to carry out procedures established in rules for the disclosure of personal information contained in motor vehicle records in accordance with state and federal law;

Clarifies the Secretary of State may authorize the display of the International Fuel Tax Agreement cab card in electronic format and reduces most violations of the International Fuel Tax Agreement laws from a Class E crime to a traffic infraction. Also makes clear a suspension issued by another International Fuel Tax Agreement jurisdiction is a suspension in Maine. Authorizes the Secretary of State to participate in any pilot project related to International Fuel Tax Agreement licenses and decals;

Clarifies failure of a dealer to deliver a title to BMV more than 30 to 90 days after the sale is a traffic infraction, and more than ninety days is a Class E crime;

Increases the bonding requirements for car dealers as follows:

For 0 to 50 sales, ~~\$5,000~~ \$25,000;

For 51 to 100 sales, ~~\$10,000~~ \$50,000;

For 101 to 150 sales, ~~\$15,000~~ \$75,000; or

For 151 to ~~200~~ sales and over, ~~\$20,000~~; or \$100,000.

Reduces the term for a permit to carry a load for vehicles weighing more than 10,000 pounds while displaying a dealer plate to 90 days from one year;

Prohibits disclosure of social security numbers in motor vehicle records except as required by federal law;

Modernizes language and provides consistency between statute and the rules governing motorcycle rider education requirements. Allows a person without a driver's license to complete the mandatory basic rider education course and be issued a Maine license restricted to the operation of a motorcycle without a road examination. Modifies the statutory language regarding fees associated with the motorcycle rider education program to be consistent with other references to rider education;

Removes the requirement a driver's license bear a color photograph of the licensee and allows the Secretary of State to adopt rules to determine the authorized distribution of digital images and digitized signatures. Allows a person to have and present a driver's license in electronic form if one is made available. Creates an additional fee for expediting the issuance of driver's licenses and non-driver identification cards and duplicates;

Removes the requirement that BMV receives a Department of Education medical certification at the time of school bus application;

Clarifies and makes consistent the Secretary of State's administrative driver's license suspension authority with court-ordered suspension authority;

Allows the Secretary of State to administer only the road test in conjunction with the reexamination process for a suspended juvenile provisional license and removes the requirement to provide a written examination to fulfill the restoration requirements;

Amends the law to conform to current testing practices for visual acuity;

Changes the position name of Motor Vehicle Investigator to Motor Vehicle Detective to be consistent with the position name change negotiated in the Maine State Law Enforcement Association contract; and

Defines "tow-away transporter combination" as a truck or truck tractor towing two trailers or semitrailers when the trailers or semitrailers are the property being transported by a manufacturer, distributor or dealer and establishes a maximum total vehicle length for the configuration of 82 feet, as required pursuant to the federal Fixing America's Surface Transportation Act.

**PL 2017, Chapter 240 (LD 1251), "An Act regarding Certain Abandoned Vehicles and Notice to the Secretary of State Regarding Those Vehicles"**

This bill clarifies the law relative to a vehicle that is left at a storage facility, if the owner failed to pay storage or rental fees, and to a vehicle left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work.

Also provides that the owner of the premises where a vehicle is stored or the owner's agent is required to notify the Secretary of State that the owner or owner's agent is in possession of the vehicle. That notification must be submitted to the Secretary of State within 14 days after the date on which the vehicle owner is responsible for any unpaid charges for authorized repair or

for storage and any related towing expenses incurred by the owner or the owner's agent in possession of the vehicle.

Also clarifies that if notification is not submitted to the Secretary of State, the person holding the vehicle may not collect more than 14 days of storage fees.

**PL 2017, Chapter 283 (LD 1440), “An Act Making Unified Appropriations – Highway Fund, FYs ending June 30, 2018, and June 30, 2019” (Emergency) Effective Date July 1, 2017, except the Part C fee increases which take effect January 1, 2018.**

This is the Highway Fund budget bill which includes a number of initiatives:

- Provides one-time funds to develop enhanced web service interface for judicial case management.
- Provides funding for software maintenance of the electronic commercial driver license and road scholar system.
- Provides one-time funding for one storage array for the production system in fiscal year 2017-18.
- Provides funding for the migration to a cloud-based system for e-mail, active directory and office products by the Department of Administrative and Financial Services, Office of Information Technology.
- Establishes two Motor Vehicle Detective positions and one Office Associate II position to manage the licensing of scrap metal recyclers and mobile scrap metal dealers and provides funding.
- Provides funding for a portion of the state match to implement an automated over-limit routing, restriction management and permitting system.

**Part C increases fees for certain licenses and services effective January 1, 2018:**

- Motorcycle or moped learner’s permit and road test fee increases from \$10 to \$35. Subsequent examination fee increases from \$5 to \$35.
- Class A, B or C commercial driver’s license examination fee increases from \$35 to \$70. Reexamination fee increases from \$15 to \$70.
- Class C non-commercial driver’s license exam fee increases from \$10 to \$35. Reexamination fee increases from \$5 to \$35.
- CDL endorsement examination fee increases from \$10 to \$20. Reexamination fee increases from \$5 to \$20.
- Cancellation of examination appointment fee increases from \$30 to \$70 for a CDL; and from \$20 to \$35 for a bus or non-commercial appointment.
- School bus endorsement fee increases from \$10 to \$20.

Part D increases the attrition savings (vacancy rate) from 1.6% to 5% for the 2018-19 biennium.

**PL 2017, Chapter 288 (LD 1616), “An Act to Correct Errors and Inconsistencies in the Laws of Maine”**

**PL 2017, Chapter 302 (LD 1249), “An Act to Create the Emergency Medical Services Registration Plate” **Effective date of first issuance January 1, 2018.****

This bill creates the “Emergency Medical Services” recognition plate. To be eligible, the applicant must be certified by the Director of Maine Emergency Medical Services. The applicant is eligible for one set of plates for a vehicle registered up to 10,000 pounds. If the applicant loses his or her EMT license, the plate must be recalled.

The Secretary of State shall design the plate and establish the numbering sequence. There is a one-time \$5 fee for issuance. Vanity plates are permitted subject to vanity plate rules.

**Resolve Chapter 25 (LD 1143), “Resolve, Providing for the Official Observance of the 200th Anniversary of the Formation of the State of Maine”**

This creates a commission to plan for the observance of the 200th anniversary of the state.